

Remarks

The Examiner is thanked for allowing claims 7-19 and also for the detailed comments that the Examiner provided. It always makes it easier for the Applicant to respond when the position of the Examiner is made clear, even if the Applicant does not necessarily agree with the Examiner at all times.

With respect to the suggested specification and claim amendments, those have been carried out, except in the case of claim 5, which has been canceled along with claims 3 and 4, without prejudice.

Turning to the prior art rejections set forth in the official action, the Examiner will note that claim 1 has been amended to more clearly differentiate it from Toyoda. Claim 1 now recites that the matching of the first data with the second image date occurs by "randomly selecting a plurality of identifiable features in said first image data and searching said first image data for a corresponding plurality of identifiable features and calculating a transform for matching the first image data with the second image data based upon pairs of identifiable features in said first image data and corresponding identifiable features in said second image data." It is submitted that Toyoda does not show such a feature.

However, it is noted that Toyoda notes that there is a problem with his disclosed processing since he indicates, at page 12, lines 61-64, that it would be preferable to produce matching data (matching images) for only the image overlap domain of each image. However, he does not tell you how to do that. Indeed, since one of the problems is to find exactly where the overlap occurs so that you can stitch the images together, how do you start the process in the overlap area if you do not know where it is? Well, that is Toyoda's problem. The Applicant addresses this issue by making the initial selections of identifiable features on a random basis. If you do it randomly, then you are apt to find the overlap area more quickly than if you were just to go through the process in some sequential order.

Toyoda recognizes the problem, but not the answer. Note that he starts with a "certain" pixel group. Please see column 12, line 29. That is the wrong way to go as it is sure to just consume computer processing resources.

With respect to claim 20, the Examiner asserts that Toyoda teaches how to do image capture operations in three scans, pointing to column 11, lines 55-65. However, it is submitted that that is not an enabling disclosure. It is noted that the Examiner cites Toyoda and rejects claim 20 under 35 U.S.C. 102 as being fully anticipated by Toyoda. However, since Toyoda does not teach the reader how to perform an operation for capture of three successive images in a series, that the Examiner cannot properly use Toyoda to reject the claims under 35 U.S.C. 102. In this connection, please note the Examiner's comments in paragraph 10 of the official action vis-à-vis claim 7. The Examiner points out that Toyoda does not disclose applying a transform to produce a transform image data and combining the transform image data with already combined image data as claimed in independent claim 7 in order to deal with the third image data.

Of course, with respect to the third image data issue, claim 20 is not as narrow as is claim 7. Nevertheless, if claim 20 is to be rejected based upon Toyoda, Toyoda has to teach some way of dealing with the third image data in order to meet the image processor limitation currently set forth in claim 20.

The passage that the Examiner refers to bears some similarity to the passage noted by the undersigned above in that Toyoda notes problems, but does not see the solutions. Since Toyoda does not teach how one is supposed to deal with the capture of three successive images in series for the purpose of forming a combined image, it is not understood how Toyoda can anticipate claim 20.

Claim 25 has been amended to indicate that the feature detector "randomly" detects a plurality of features in said image data. As already indicated above, it is believed that Toyoda does not teach that.

Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

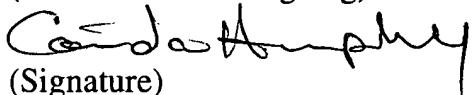
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents
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(Name of Person Signing)

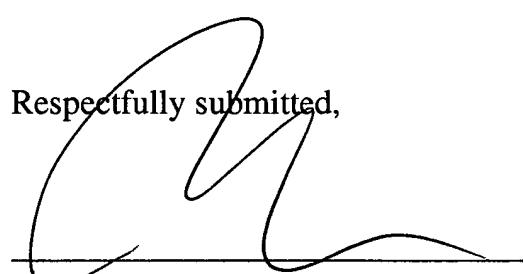


(Signature)

August 20, 2004

(Date)

Respectfully submitted,


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